

Office of the
Legislative Fiscal Analyst

FY 2005 Budget Recommendations

Joint Appropriations Subcommittee for
Health and Human Services

Utah Department of Human Services
Drug Courts and Drug Boards

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1.0 Summary: Drug Courts and Drug Boards

Drug Courts is a judicial process that offers nonviolent drug abusing offenders intensive court-supervised drug treatment as an alternative to jail or prison. The local area substance abuse authorities and private contractors provide treatment services. Drug Boards is an administrative process similar to Drug Courts, but is offered by the Board of Pardons and Parole in the correctional system to individuals on probation or parole.

Financial Summary

The Fiscal Analyst recommends an FY 2005 appropriation for this line item totaling \$1,647,200 from the Tobacco Settlement Account (General Fund Restricted). This is the same amount as appropriated in the previous three years.

	Analyst FY 2005 Base	Analyst FY 2005 Changes	Analyst FY 2005 Total
Financing			
GFR - Tobacco Settlement	\$1,647,200	\$0	\$1,647,200
Total	<u>\$1,647,200</u>	<u>\$0</u>	<u>\$1,647,200</u>
Programs			
Drug Board	\$350,900	\$0	\$350,900
Drug Courts	1,296,300		1,296,300
Total	<u>\$1,647,200</u>	<u>\$0</u>	<u>\$1,647,200</u>
FTE/Other			

2.0 Issues: Drug Courts and Drug Boards

2.1 Appropriated Funds History

The 2000 Legislature, in S.B. 15 (“Use of Tobacco Settlement Revenues”), appropriated a total of \$1,647,200 to the Department of Human Services, including \$1,296,300 for statewide expansion of the drug court program and \$350,900 for a drug board pilot program. A committee consisting of directors of departments involved with drug courts and boards reviewed requests for funds and made 17 awards, totaling \$1,647,200 to start, expand or continue drug court and board operations. Another \$352,800 is appropriated to the Courts, Department of Corrections and the Board of Pardons for administrative costs.

2.2 Additional Funding Needs

Estimated unfunded needs for drug court services total over \$12 million. This amount would provide services to approximately 3,500 offenders. The total need of drug boards is estimated at \$7.8 million, which would serve an estimated 2,200 persons. The current Analyst recommendation does not include an increase in these programs at this time.

2.3 Future Funding Uncertain

State statute (63-97-20) allocates funding from the General Fund Restricted – Tobacco Settlement Account first to CHIP (Children’s Health Insurance Program), the Department of Health, then to Drug Courts and Boards, and finally to U of U Health Sciences Center. Scheduled payments by the tobacco industry and current state statute on how funds are to be used indicate that after FY 2005, available funding for Drug Courts and Boards will vary significantly and will be less than the current \$2 million in all years (except for FY 2008 when \$2 million is again expected to be available). For FY 2006, estimated available funding is only \$271,000.

3.0 Programs: Drug Courts and Drug Boards

This new line item appropriation was created when the 2000 Legislature appropriated funds from the Tobacco Settlement for expansion of the drug court system and creation of drug boards (S.B.15, 2000 General Session). The Legislature appropriated \$193,700 to the Administrative Office of the Courts and \$1,296,300 to the Department of Human Services “for the statewide expansion of the drug court program.” It also appropriated \$77,400 to the Board of Pardons, \$81,700 to the Department of Corrections and \$350,900 to the Department of Human Services for a drug board pilot program.

3.1 Drug Courts

Recommendation

For FY 2005, the Fiscal Analyst recommends \$1,296,300 from the Tobacco Settlement Account for drug courts. This is the same funding level as in previous fiscal years. In the FY 2004 “Authorized” budget, the \$197,200 “Other Transfer” represents a transfer to the Tobacco Court in the Juvenile Court System. This entry was made to avoid double counting “transfers” in the state budget. Due to restrictions in the State’s FINET accounting system, this negative entry will be corrected in a supplemental FY 2004 item.

	2003	2004	2005	Est/Analyst
Financing	Actual	Estimated*	Analyst	Difference
GFR - Tobacco Settlement	\$1,296,300	\$1,296,300	\$1,296,300	\$0
Transfers - Other Agencies		(197,200)		197,200
Total	\$1,296,300	\$1,099,100	\$1,296,300	\$197,200
Expenditures				
Other Charges/Pass Thru	\$1,296,300	\$1,099,100	\$1,296,300	\$197,200
Total	\$1,296,300	\$1,099,100	\$1,296,300	\$197,200
FTE/Other				

*Non-state funds as estimated by agency

Purpose

Utah’s first drug court was started in 1996, in Salt Lake County, with funds from the U.S. Department of Justice, Salt Lake County and other sources. Currently, 26 drug courts are operating in Utah. Funds from the Tobacco Settlement Account are used to fund 16 of these courts in the expanded system.

Each drug court has its own eligibility criteria; however, most look at both a potential participant’s legal history and the clinical severity of the addiction. In most drug courts, offenders enter a guilty plea, which is held in abeyance for the duration of the program. Upon successful completion of the program, the charges are dismissed.

The Drug Court program usually lasts a minimum of 52 weeks. It is divided into four phases. Participants are randomly tested for drug use from one to four times a week. Treatment counselors develop individualized treatment plans. The drug court judge reviews compliance with the treatment plan during weekly court reviews. In most programs, participants must be clean for at least six months to graduate. Failure to comply with any element of the program or having a dirty drug test may result in immediate court action such as being taken immediately to jail. Compliance and progress in the program is rewarded with praise from the court and a gradual decrease in supervision.

In Utah five distinct drug court models exist. In addition to the adult felony drug courts, there are programs that focus on juveniles, adult misdemeanants, parolees, and parents involved in civil child welfare custody cases.

Utah has twelve functioning adult drug courts, located in Emery, Weber, Davis, Salt Lake, Utah Washington, Box Elder, Cache, Uintah, Wasatch, Sanpete, and Sevier counties. New adult courts are planned in Carbon and in Juab counties. Nine of these programs receive funds from the Tobacco Settlement account.

There are juvenile drug courts in Utah, Davis, Weber, Tooele, Uintah and Salt Lake Counties. Juvenile drug courts involve parents and the schools in the creation of the treatment plan. Three of these programs receive funds from the Tobacco Settlement Account.

Three misdemeanor drug courts exist in Salt Lake County. These programs are operated at the Justice Court level. At least two more of these programs are currently planned. These programs focus on offenders who have been arrested on alcohol or marijuana charges. None of these programs receive funding from the Tobacco Settlement.

Dependency drug court deals with cases where a parent's substance abuse could result in loss or restriction of parental rights. Its primary purpose is to assist in determining whether reasonable efforts have been made in reunification cases involving substance-abusing parents. They operate similarly to adult and juvenile drug courts. In Utah there are five operational dependency courts (Salt Lake, Grand, Weber, Washington and Utah Counties). Three dependency drug courts receive funding from the Tobacco Settlement Account.

Drug Court Funding

Drug Courts started in Utah with federal grants, local government grants, private contributions, and funding within existing court budgets. The first state funding came in FY 2000, when the Legislature directed the Division of Substance Abuse (now the Division of Substance Abuse and Mental Health, DSAMH) to use \$200,000 from increases in its SAPT (Substance Abuse Prevention and Treatment) federal funds for planning grants to communities and courts in the State. In that year, DSAMH awarded seven planning grants at \$10,000 each to the Southwest, San Juan, Four Corners and Bear River regions and to Tooele, Weber, and Summit Counties. It also awarded four grants to existing courts in Salt Lake (Adult and Juvenile Courts), Utah, and Uintah Counties. In FY 2001, DSAMH awarded six planning grants (totaling \$90,000) to Central Utah region, and Weber, Davis, Wasatch, Utah and Salt Lake Counties for adult, juvenile and misdemeanor courts. It also made a \$50,000 grant for implementation of a drug court in St George.

In 2002, the Drug Court Allocation Committee (composed of the Executive Director of the Utah Department of Corrections, the Executive Director of Department of Human Services, the Chairman of the Utah Board of Pardons, and the Executive Director of the Administrative Office of the Courts) reviewed proposals and allocated the \$1,296,300 from the Tobacco Settlement Account for drug courts. In addition, DSAMH used \$250,000 from the SAPT federal funds to help support drug court activities. These awards were also made in FY2003.

In FY 2004, the Drug Court Allocation Committee reviewed proposals and allocated the \$1,296,300 from the Tobacco Settlement Account for drug courts. DSAMH used \$729,136 from the SAPT federal grant to help support drug court activities.

**Drug Courts
Currently
Operational or
Planned**

The table below lists data of currently operating drug courts

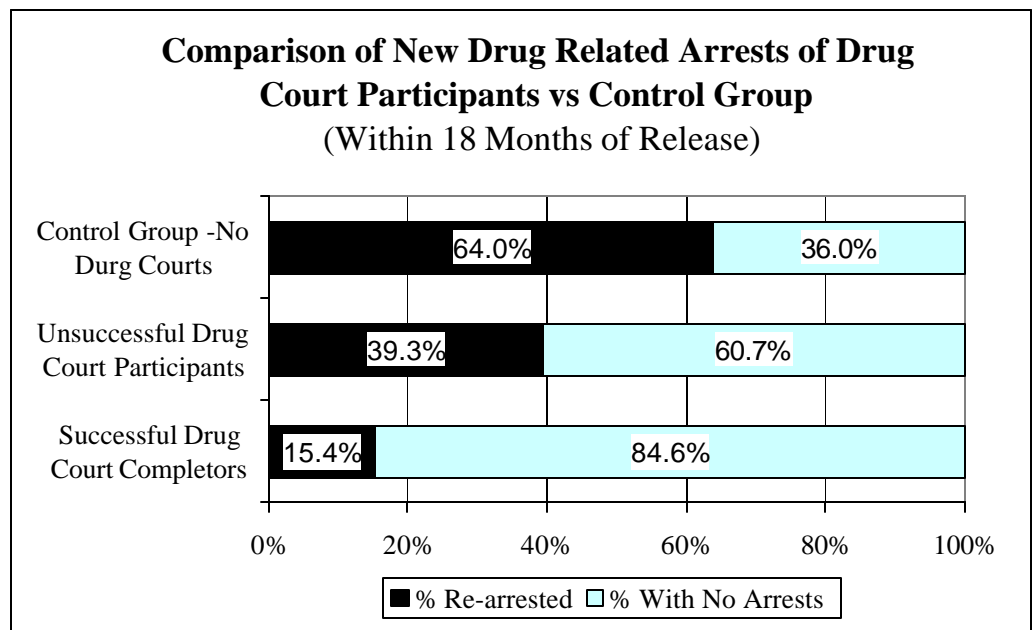
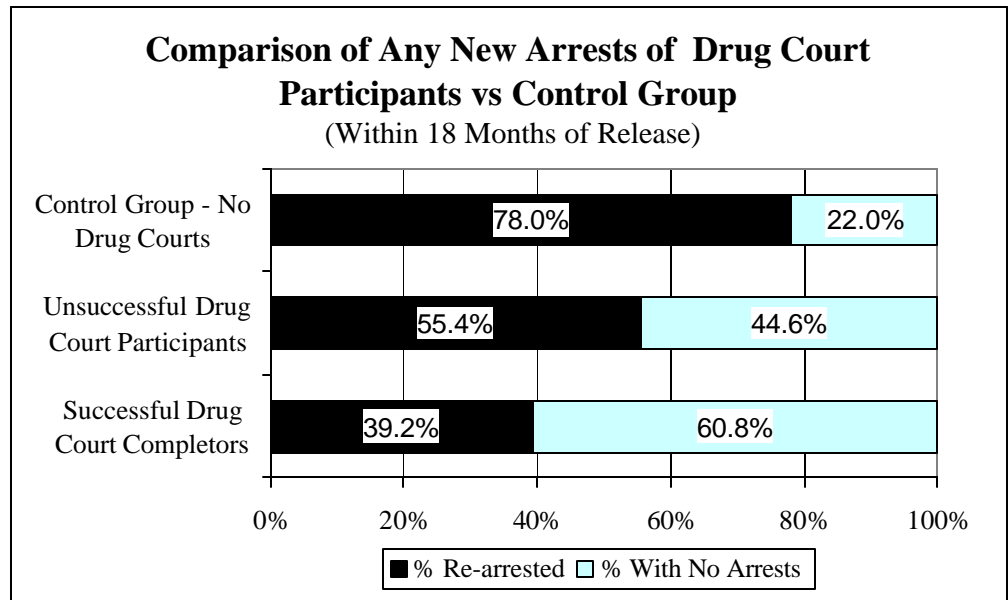
Overview of Existing Drug Courts			
	FY 2003 Funding	FY 2004 Funding	Cases Funded
Adult Felony Drug Courts			
First District (Cache, Box Elder)	\$125,000	\$125,000	35
Davis County	\$250,000	\$250,000	70
Salt Lake County	\$250,000	\$250,000	90
Sevier County	\$64,064	\$64,064	20
Uintah County	\$120,000	\$120,000	35
Utah County	\$200,000	\$200,000	70
Wasatch County	\$0	\$36,000	12
Washington County	\$46,870	\$50,000	15
Weber County	\$41,250	\$250,000	80
Juvenile Drug Courts			
Third District	\$0	\$63,372	20
Tooele County	\$35,000	\$32,000	10
Utah County	\$0	\$75,000	20
Dependency Drug Courts			
Fourth District	\$75,000	\$125,000	40
Weber County	\$0	\$80,000	25
Third District	\$105,000	\$105,000	30
Dual Model Drug Court			
Emery County	\$160,000	\$200,000	60
TOTAL	\$1,472,184	\$2,025,436	632

Drug Court Outcomes

*Successful Drug
Court Participants
Re-offend less often.*

A 2002 report by the Utah Substance Abuse & Anti-Violence Coordinating Council compares behavior of three groups of people: 1) Successful drug court finishers; 2) Unsuccessful drug court participants; 3) A control group, which did not have access to drug courts. The report includes 143 graduates from the Salt Lake County Drug Court, 55 individuals who were involved in the Drug Court but did not finish, and a group of 150 individuals who had similar demographics and arrest histories but were not participants in Drug Courts (control group). The study followed these individuals for 18 months recording new arrests for a) drug related offenses, and b) any non-drug offense.

The two charts below show significant differences of re-arrests among the three groups. The successful Drug Court participants had far fewer incidents of re-arrests for both drug-related offenses and any other offenses over the 18 month post release period.



3.2 Drug Boards

Recommendation

For FY 2005, the Fiscal Analyst recommends continued funding of \$350,900 from the General Fund Restricted Tobacco Settlement Account for the Drug Board program, the same as in prior years.

	2003 Actual	2004 Estimated*	2005 Analyst	Est/Analyst Difference
Financing				
GFR - Tobacco Settlement	\$350,900	\$350,900	\$350,900	\$0
Total	\$350,900	\$350,900	\$350,900	\$0
Expenditures				
Other Charges/Pass Thru	\$350,900	\$350,900	\$350,900	\$0
Total	\$350,900	\$350,900	\$350,900	\$0
FTE/Other				

*Non-state funds as estimated by agency

Purpose

Drug Boards is a program similar to drug courts, but is offered by the correction system to individuals leaving prison and entering parole. Instead of judges and a courtroom, the official in charge is a representative of the Board of Pardons and the location is a hearing room. In this case, the “stick” is the threat of having parole lifted and returning to prison. The “carrot” is the same as in drug courts, in that progress in the program is rewarded with praise from the Board and support from peers and continued parole.

Drug Board Funding

The 2000 Legislature appropriated a total of \$510,000 from tobacco settlement funds to start a pilot drug board program in Davis and Weber Counties. This amount included \$77,400 to the Board of Pardons, \$81,700 to the Department of Corrections and \$350,900 to the Department of Human Services. The program serves approximately 140 parolees. Funding has continued in the same amount thru FY 2004.

Drug Board Outcomes

Drug Boards in Utah are quite new and no comprehensive outcome studies have yet been performed. Since the program’s inception, 26 individuals have completed the program successfully. DSAMH also reports the successful completion rate increased by eight percent in FY 2003. Due to the hardcore population this program targets, DSAMH projects lower success rates than the Drug Court program. However, because of the high recidivism and relapse rates of parolees, the cost benefit of this program should be greater.

4.0 Additional Information: Drug Courts and Drug Boards

4.1 Funding History

	2001	2002	2003	2004	2005
Financing	Actual	Actual	Actual	Estimated*	Analyst
GFR-Tobacco Settlement	\$1,647,200	\$1,647,200	\$1,647,200	\$1,647,200	\$1,647,200
Transfers-Other Agencies				(197,200)	
Lapsing Balance	(226,173)				
Total	\$1,421,027	\$1,647,200	\$1,647,200	\$1,450,000	\$1,647,200
Programs					
Drug Board	\$124,727	\$350,900	\$350,900	\$350,900	\$350,900
Drug Courts	1,296,300	1,296,300	1,296,300	1,099,100	1,296,300
Total	\$1,421,027	\$1,647,200	\$1,647,200	\$1,450,000	\$1,647,200
Expenditures					
Other Charges/Pass Thru	\$1,421,027	\$1,647,200	\$1,647,200	\$1,450,000	\$1,647,200
Total	\$1,421,027	\$1,647,200	\$1,647,200	\$1,450,000	\$1,647,200
FTE/Other					

*Non-state funds as estimated by agency.